

MISSOURI ETHICS COMMISSION

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Julie A. Allen

Executive Director

March 12, 2010

Opinion No. 2010.03.L.004

At the March 11, 2010 meeting of the Missouri Ethics Commission, your request for an opinion was discussed. The following is the Commission's response to your questions:

An advisory opinion is requested seeking clarification of the regulations about lobbyists paying for meals of standing committees of the general assembly. If a member or staff member of the General Assembly requests a lobbyist to pay for meals, does that constitute a solicitation under Section 105.473.3(2)(e), RSMo which would be reported as an individual expenditure on behalf of the member, or would this expenditure qualify as a group expenditure under Section 105.473.3(2)(d), RSMo which would be reported as an expenditure on behalf of the standing committee? If this expenditure qualifies as a group expenditure, does the posting of the committee notice under the Sunshine law, in which all members of the Committee are informed of the hearing or meeting, qualify as "an invitation in writing" under 105.473.3(2)(d), RSMo?

Section 105.473.3(2), RSMo requires lobbyists to report expenditures which lobbyists and lobbyist principals make on behalf of public officials, their staff and employees, and their spouses and dependent children. This question addresses requirements for lobbyist reporting.

Section 105.473.3(2)(d), RSMo requires a lobbyist to report expenditures for specific designated groups as follows:

The total of all expenditures made by a lobbyist or lobbyist principal for occasions and the identity of the group invited, the date and description of the occasion and the amount of the expenditure for each occasion when any of the following are invited in writing:

- a. All members of the senate;
- b. All members of the House of Representatives;

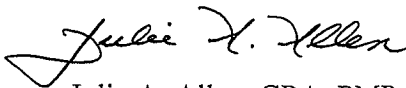
- c. All members of a joint committee of the general assembly or a standing committee of either the House of Representatives or senate; or
- d. All members of a caucus of the majority party of the House of Representatives, minority party of the House of Representatives, majority party of the senate, or minority party of the senate;

Under this provision a lobbyist would report expenditures made on behalf of these groups for "occasions" when the members of the group are "invited" in writing. The statute does not specify who is required to invite the members of the group. For that reason, regardless of whether the lobbyist, lobbyist principal, or member of the General Assembly invites the members to an occasion, the expenditure qualifies as a group expenditure as long as all conditions of the statute are met. A public posting of a committee meeting therefore qualifies as an invitation in writing to a standing committee meeting and the expenditure as presented in the question qualifies as a group expenditure on behalf of the standing committee.

Section 105.473.3(2)(e), RSMo separately requires a lobbyist to report expenditures which are made "on behalf of a public official, an elected local government official or such official's staff, employees, spouse or dependent children, if such expenditure is 'solicited' by such official, the official's staff, employees, or spouse or dependent children, from the lobbyist or his or her lobbyist principals. The word "solicited" is not specifically defined in Section 105.470, RSMo which provides specific definitions regarding lobbyist registration and reporting. It is also not defined in general in Chapter 105 or in Section 1.020, RSMo.

The plain and ordinary meaning of the word "solicit" means to "to ask for the purpose of receiving." Section 105.473.3(2)(e), RSMo therefore requires a lobbyist to report expenditures which are solicited by a public official, staff, employees, spouse or dependent child if the expenditure is "on behalf of that public official, staff, employees, spouse or dependent child." A request by a member or staff member of the General Assembly to provide an expenditure for an occasion under Section 105.473.2(d), RSMo for a standing committee luncheon, which otherwise fits the definition of a group expenditure under Section 105.473.2(d), RSMo is not a "solicitation" on behalf of the member and would not be reported individually on behalf of that member.

Sincerely,



Julie A. Allen, CPA, PMP
Executive Director

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